



# **PLANNING COMMISSION**

## **MINUTES**

**October 28, 2009**

**4:00 P.M.**

**CITY OF FREDERICKSBURG  
715 PRINCESS ANNE STREET  
COUNCIL CHAMBERS**

### **COMMISSION MEMBERS**

**Roy McAfee, Chair  
Dr. Roy Gratz, Vice-Chair  
Susan Spears, Secretary  
Ricardo Rigual  
Edward Whelan, III  
Vic Ramoneda, Absent  
Berkley Mitchell, Absent**

### **CITY STAFF**

**Ray Ocel, Director of Planning**

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### **1. CALL TO ORDER**

The October 28, 2009 Planning Commission meeting was called to order at 4:00 p.m. by Chairman Roy McAfee.

### **2. PLEDGE OF ALLEGIANCE**

### **UNFINISHED BUSINESS/ACTION ITEMS**

- 3. Zoning Ordinance Text Amendment –To Clarify The Duties And Authority Of The Zoning Administrator By Amending City Code Chapter 78, Article III, Division 29, "Administration And Amendments", Section 78-936, "Duties Of Zoning Administrator".**

Mr. Ocel said that at the October 14<sup>th</sup> public hearing, the Commission did not receive any public comments.

Mr. Gratz questioned using the word "his" in the second sentence of Sec. 78-936 of the new Ordinance. This word "his" is used in the Ordinance and to be consistent and use the word found in the State Code, staff and the City Attorney recommend adopting the language as proposed. Likewise, it is the City Attorney's recommendation that the proposed Ordinance use the word "insuring" as opposed to the word "ensuring", even though it may be more appropriate, since it is the word used in the State Code.

Dr. Gratz made a motion to recommend approval of the zoning ordinance text amendment to clarify the duties and authority of the zoning administrator by amending City Code, Chapter 78, Article III, Division 29, "Administration and Amendments" Section 78-936, "Duties of Zoning Administrator".

Ms. Spears seconded the motion.

Motion carried by a vote of 5 – 0.

4. **Zoning Ordinance Text Amendment- Zoning Ordinance Text Amendment -**  
Amending City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, Division 5, Nonconforming Uses and Structures Section 78-152 in order to bring this Section into compliance with the State Code. The amendment changes the language regarding the reconstruction of a damaged building or structure.

Mr. Ocel said that at the October 14<sup>th</sup> public hearing, the Planning Commission did not receive any comments from the public.

Commission members discussed the change in the language addressing "damage greater than 50 percent of the building" from "50 percent of the assessed value of the building. Staff noted that the new criteria "damage greater than 50 percent of the building" is being incorporated into the Ordinance to mirror the new language in the State Code.

Commission members noted during the discussion on vested rights that if vested rights are maintained if a fire caused by an individual other than the property owner. And if so, can the language in the State Code be used to replace the language in the last sentence in paragraph (c) of the proposed Ordinance on page 2. Staff discussed this with the City Attorney and she agreed that the change is appropriate and staff has amended the Ordinance to reflect this change.

Dr. Gratz questioned whether there are standards in place to determine a 50% or greater loss of a structure.

Mr. Ocel said there are no written standards but that should the need arise where one questioned the 50% or greater loss that he would have the Building Official make that assessment.

Dr. Gratz said that although he believes it should be more quantitative, he does not see this situation happening too often.

Mr. Whelan asked if there is a time frame for the zoning administrative to make a decision on the actual amount of the loss.

Mr. Ocel said that any determination made of the Zoning Administrator allows up to 90 days.

Dr. Gratz made a motion to recommend approval of the zoning ordinance text amendment, amending City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, Division 5, Nonconforming Uses and Structures Section 78-152 in order to bring this Section into compliance with the State Code. The amendment changes the language regarding the reconstruction of a damaged building or structure.

Mr. Whelan seconded the motion.

Motion carried by a vote of 5 – 0.

#### **OTHER BUSINESS**

5. The October 14, 2009 Planning Commission Minutes were approved as submitted.

6. Planning Commissioner Comments

- None

**7. Planning Director Comments**

- None

**MEETING ADJOURNED**

**Commissioners moved to the second floor conference room for an informal work session  
(Agenda attached)**



Roy McAfee, Chair



**PLANNING COMMISSION WORK SESSION  
AGENDA**

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**Wednesday, October 28, 2009**

**4:00 P.M.**

**Second Floor Conference Room-City Hall  
715 Princess Anne Street**

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- Discussion on developing mixed use regulations for residential areas adjacent to the downtown area and the Princess Anne Street and Lafayette Boulevard entryway corridors into the historic downtown area.
- Review of By-Laws
- Discussion of 2010 Work Plan
- Adjourn